

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARILYN Y. ARMSTRONG, MARSHALL R. MAZYCK,
LILIAN ALVARADO, GORDON URQUHART,
BLAKE J. WILLETT, BRYAN HENRY,
KENNETH DAVIS, ERIC MOORE, NZINGHA M.
KELLMAN and MICHAEL BENJAMIN,

**CIVIL CASE
MANAGEMENT PLAN**

(Judge Gerard E. Lynch)

Plaintiffs,

07 Civ. 3561 (GEL)

-against-

ECF Case

METROPOLITAN TRANSPORTATION AUTHORITY,
ELLIOT SANDER, EXECUTIVE DIRECTOR AND
CHIEF EXECUTIVE OFFICER OF THE MTA, WILLIAM
MORANGE, DEPUTY EXECUTIVE DIRECTOR/
DIRECTOR OF SECURITY OF THE MTA,
KEVIN McCONVILLE, CHIEF OF THE MTA POLICE
DEPARTMENT and TERRANCE CULHANE, ASSISTANT
DEPUTY CHIEF OF THE MTA POLICE DEPARTMENT,

Defendants.

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After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. The case is to be tried by a jury. Scheduling of pre-trial practice should be arranged with a view to having the case ready for trial within approximately six months of the initial pre-trial conference.
2. Joinder of additional parties must be accomplished by August 13, 2007.
3. Amended pleadings may be filed until August 30, 2007.
4. All fact discovery is to be completed by May 13, 2008. Interim deadlines set below may be extended by the parties on consent without application to the Court, provided the parties can still meet the discovery completion date ordered by the Court, which shall not be adjourned except upon a showing of extraordinary circumstances.

- A. First request for production of documents, if any, to be served by August 13, 2007.
- B. Interrogatories pursuant to Local Rule 33.3(a) of the Local Civil Rules of the Southern District of New York to be served by August 13, 2007. No other interrogatories are permitted except upon prior express permission of this Court.
- C. Depositions to be completed by March 31, 2008.
 - i. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.
 - ii. Depositions shall proceed concurrently.
 - iii. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
 - iv. No depositions shall be extended beyond two business days without prior leave of the Court.
- D. Experts, if any, are to be designated by January 31, 2008, and experts' reports exchanged no later than February 29, 2008. Experts may be deposed, but such depositions must occur within the time limit set forth for all depositions set forth above.
March 31, 2008.
- E. Requests to Admits, if any, are to be served no later than April 11, 2008.

5. Dispositive motions are to be served and filed by July 1, 2008.
Answering papers are to be served and filed by August 1, 2008.
Reply papers are to be served and filed by August 15, 2008.

All motions and applications shall be governed by the Court's Individual Practice Rules, which are available on the Internet at <http://www.nysd.uscourts.gov>. Note that under those rules, two courtesy copies of all motion papers are to be provided to chambers by the movant at the time the reply is filed. It is the responsibility of the movant to make sure that copies of all parties' papers are provided at that time.

Any party may request oral argument by letter at the time reply papers are filed. Whether or not requested, the Court will determine whether and when oral argument is to be held.

6. The joint pretrial order shall be filed no later than 30 days after completion of discovery, or after the final decision of any dispositive motion, whichever is later, unless a different date is set by order of the Court. The requirements for the pre-trial order and other pre-trial submissions shall be governed by the Court's Individual Practice Rules.
7. Counsel do not consent to trial by a U.S. Magistrate Judge.

NEXT CASE MANAGEMENT CONFERENCE Oct. 12, 2007 at 12:00 noon
(To be completed by the Court)

Dated: July 5, 2007
New York, New York

SO ORDERED:


GERARD E. LYNCH
United States District Judge